

REMARKS

Applicant has carefully considered the August 9, 2006 Office Action, and the amendments above together with the comments that follow are presented in a bona fide effort to address all issues raised in that Action and thereby place this case in condition for allowance. Claims 1-8 were pending in this application.

In response to the Office Action dated August 9, 2006, claims 2 and 6 have been canceled and claims 1, 3-5 and 7-8 have been amended. New dependent claims 9-11 have been added. Adequate descriptive support for the present Amendment should be apparent throughout the originally filed disclosure as, for example, the depicted embodiments and related discussion thereof in the written description of the specification. Applicant submits that the present Amendment does not generate any new matter issue. Entry of the present Amendment is respectfully solicited. It is believed that this response places this case in condition for allowance. Hence, prompt favorable reconsideration of this case is solicited.

Claims 1-6 were rejected under 35 U.S.C. § 112, second paragraph. The Examiner is requested to reconsider and withdrawal the rejection in view of the foregoing claim amendments which address the Examiner's antecedent basis objections. One having ordinary skill in the art would not have difficulty understanding the scope of the presently claimed invention, particularly when reasonably interpreted in light of the supporting specification. Therefore, it is respectfully submitted that the imposed rejection of claims 1-6 under 35 U.S.C. § 112, second paragraph is not legally viable and hence, Applicant solicits withdrawal thereof.

Claim 1 was rejected under 35 U.S.C. § 102(b) as being anticipated over Ishida et al. (U.S. Pat. App. Pub. No. 2001/0040505, hereinafter "Ishida"). Applicants respectfully traverse.

Initially, Applicant notes that although the statement of the rejection rejected claim 1, the Examiner addressed each of claims 1 through 8 in the body of the rejection. Applicant assumes the Examiner intended to reject claims 1-8 in the statement of the rejection. Clarification by the Examiner is solicited.

The factual determination of lack of novelty under 35 U.S.C. § 102 requires the identical disclosure in a single reference of each element of a claimed invention, such that the identically claimed invention is placed into the possession of one having ordinary skill in the art. *Helifix Ltd. v. Blok-Lok, Ltd.*, 208 F.3d 1339, 54 USPQ2d 1299 (Fed. Cir. 2000); *Electro Medical Systems S.A. v. Cooper Life Sciences, Inc.*, 34 F.3d 1048, 32 USPQ2d 1017 (Fed. Cir. 1994). Moreover, in imposing the rejection under 35 U.S.C. § 102, the Examiner is required to specifically identify wherein an applied reference is perceived to identically disclose each feature of a claimed invention. *In re Rijckaert*, 9 F.3d 1531, 28 USPQ2d 1955 (Fed. Cir. 1993); *Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481 (Fed. Cir. 1984). There are significant differences between the claimed subject matter and the method and apparatus disclosed by Ishida that would preclude the factual determination that Ishida identically describes the claimed inventions within the meaning of 35 U.S.C. § 102.

An aspect of the present claimed subject matter, per claim 1, is a driving support apparatus, comprising: an imaging device (2) which picks up a peripheral image of a vehicle (10); a detecting device (3) which detects a speed difference (V) and a distance (L) between the vehicle (10) and a moving object (11) present around the vehicle (10); an information generating device (4) which calculates a time (T) at which the moving object (11) is expected to reach the vehicle (10) based on the speed difference (V) and the distance (L), and calculates a display

position of a determination supporting information (12) representing a range of a predetermined time required for the moving object (11) to reach the vehicle (10); an information combining device (5) which combines the determination supporting information (12) with the peripheral image; and a display device (6) which displays the peripheral image combined with the determination supporting information (12). Applicant has included the reference numerals of the recited elements for the Examiner's convenience and are not intended to restrict the scope of claim 1.

Ishida discloses a navigation device having: a external monitor part (7), such as a CCD camera (see paragraph [0038]); an obstacle detection part (8) which analyzes an obstacle's type, position, speed, and the like, and outputs external information (see paragraph [0039]). Further, the navigation device has a map data arranging part (4) which arranges object models in a map space based all on the map data stored in the map data storage part (3), the information provided by the obstacle detection part (8), and the information stored in the object model display information storage part (6) (see paragraph [0043]). Furthermore, the navigation device has a display (5) which displays the guidance information together with a resulting map image provided by the map data arranging part (4) (see paragraph [0044]).

Applicants respectfully submits that Ishida fails to disclose or remotely suggest a detecting device which detects a speed difference and a distance between the vehicle and a moving object present around the vehicle. Further, Ishida fails to disclose an information generating device which calculates a time at which the moving object is expected to reach the vehicle based on the speed difference and the distance and calculates a display position of a determination supporting information representing a range of a predetermined time required for the moving object to reach the vehicle.

The above argued differences between the claimed apparatus and method and the invention disclosed by Ishida undermines the factual determination that Ishida discloses the driving support apparatus and related method identically corresponding to that claimed. *Minnesota Mining & Manufacturing Co. v. Johnson & Johnson Orthopaedics Inc.*, 976 F.2d 1559, 24 USPQ2d 1321 (Fed. Cir. 1992); *Kloster Speedsteel AB v. Crucible Inc.*, 793 F.2d 1565, 230 U.S.P.Q. 86 (Fed. Cir. 1986). Independent claims 7 and 8 have been amended in a manner similar to independent claim 1 and, therefore, are patentably distinct over the applied reference for substantially the same reasons as advocated above for claim 1. Moreover, dependent claims 3-5 and 9-11 are free from the applied art in view of their dependency from either independent claim 1, 7 or 8. Applicants, therefore, submit that the imposed rejection of under 35 U.S.C. § 102 for lack of novelty as evidenced by Ishida is not factually viable and, hence, solicit withdrawal thereof.

It is believed that all pending claims are now in condition for allowance. Applicants therefore respectfully request an early and favorable reconsideration and allowance of this application. If there are any outstanding issues which might be resolved by an interview or an Examiner's amendment, the Examiner is invited to call Applicants' representative at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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